

ZB# 92-11

Hector & Catherine Bonet

13-14-22.1

#92-11 - Bonet, Catherine &
Hector

Area Variance

Prelim.

May 11, 1992

Also, side yard

variance needed

~~33.3~~ 33.3 ft. Need

accurate drawing

from Ap.

(Applications furnished)

① Deed

② Title Policy

③ Photos

~~④~~ ④ checked

① 5000 sq. ft.

② 2500 sq. ft.

Public Hearing

June 8, 1992.

Approved Area
Variance

Forward

Decision done

file

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12779

Received of

Catherine Healey

\$ 50⁰⁰

July 22 1992

Fifty and 00/100

DOLLARS

For

Zoning Variance (#92-11)

DISTRIBUTION:

FUND	CODE	AMOUNT
Clock #1535		\$50 ⁰⁰

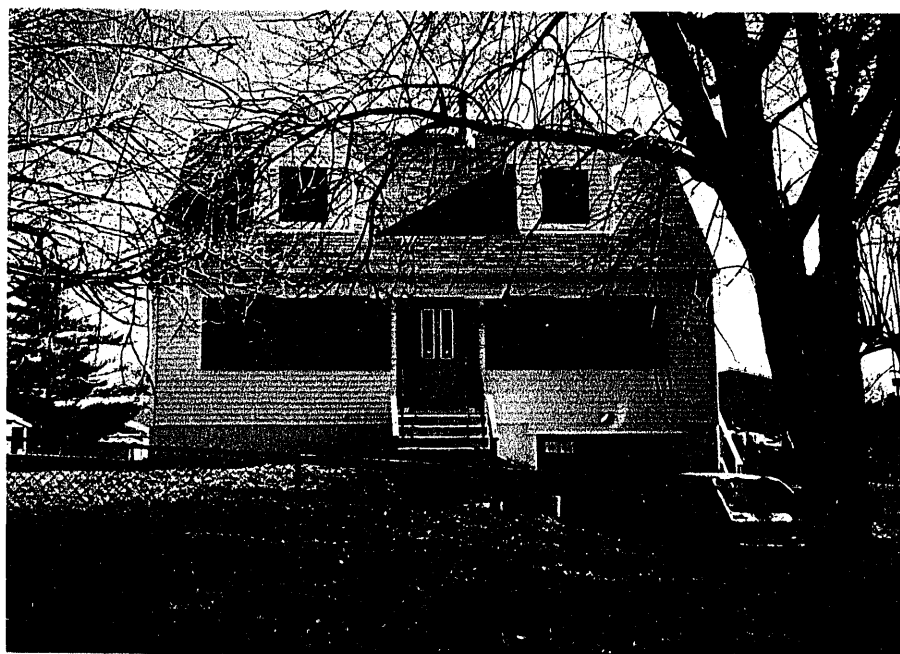
By

Pauline B. Townsend
SA

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



#92-11 - Anderson D.
Area Manager

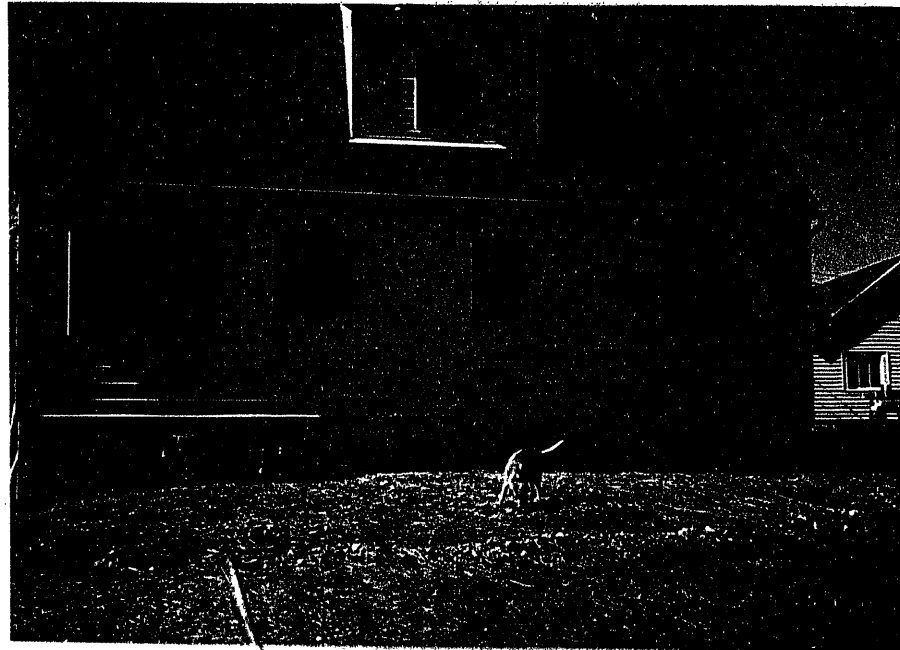
Clock #1535		050-

By Charles W. Gonsky
SR

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



Fuller
Apr. 27, 1992

Ala Vance

Hector



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bonet, Catherine
15 Cherry Ave. - R-4.

FILE # 92-11

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *pd. 5/26/92*
 * * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 *pd.*

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE *5/11/92 - 11 pages* . . . \$ 49.50
 2ND PRELIM. MEETING - PER PAGE . . . \$ 22.50
 3RD PRELIM. MEETING - PER PAGE . . . \$ 22.50
 PUBLIC HEARING - PER PAGE *6/8/92 - 3 pages* . . . \$ 22.50
 TOTAL \$ 120.00

ATTORNEY'S FEES:

Post Hearing
 PRELIM. MEETING- .3 HRS. \$ 45.00
 2ND PRELIM. HRS. \$
 3RD PRELIM. .1 HRS. \$ 15.00
 FORMAL DECISION 1.0 HRS. \$ 150.00
 TOTAL HRS. 1.4 @ \$ 150 PER HR. \$ 210.00
 TOTAL \$ 210.00

81 on list

MISC. CHARGES:

_____. \$ 20.00
 TOTAL \$ 230.00

LESS ESCROW DEPOSIT . . . \$ 250.00
 (ADDL. CHARGES DUE) . . . \$ 32.00 *bal. due.*
 REFUND TO APPLICANT DUE . \$ —

Paid
CK. #1577
7/13/92.

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

CATHERINE BONET,

DECISION GRANTING
AREA VARIANCE

#92-11.

-----X

WHEREAS, CATHERINE BONET, 15 Cherry Avenue, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for 3.3 ft. side yard and 5 ft. rear yard variance to construct a deck on property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of June, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant, CATHERINE BONET, appeared in behalf of herself and spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the application wa unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations with regard to side yard and rear yard in order to construct a wrap-around deck which will extend 12 ft. back and 14 ft. across, attached to the applicant's residential dwelling in an R-4 zone.

3. The evidence presented by Applicant substantiated the fact that a variance for less than the allowable side yard and rear yard would be required in order for Applicant to construct the proposed deck which otherwise would conform to the bulk regulations in the R-4 zone and rejection of same would cause practical difficulty since the relief sought by Applicant is not substantial in relation to the required bulk regulations.

4. The evidence presented by the applicant indicated that a 12 ft. by 14 ft. deck was necessary in order for the deck to be large enough to accommodate furniture and table.

5. The applicant also presented evidence that the proposed deck would not extend any further into the side yard than an existing porch, but merely would extend the side line of said porch rearward and thus the extent of the nonconformity would not be increased.

6. The evidence presented by the applicant further indicated that the location for the proposed deck is the most practical, and least expensive since it would make use of an existing kitchen doorway and would reuse the existing stairway. The entrance to the deck could not practically or economically be located on the rear of the house because of the location of the existing baseboard heating system.

7. In addition, the applicant indicated that if a deck were to be located in any other location in the other side yard or elsewhere in the rear yard a variance of the same or greater magnitude would be required, due to the small size of the lot, and such deck would be considerably more expensive.

8. The applicant further indicated that most of the neighbor's properties are improved by decks or patios.

9. The evidence presented by the applicant indicated that she would suffer significant economic injury from the strict application of the bulk regulations to her lot since she would be deprived of a deck entirely, unless a variance were granted.

10. It is the finding of this Board that the applicant made a sufficient showing of practical difficulty, entitling her to the requested area variances.

11. The requested variance is not substantial in relation to the bulk regulations for side yard and rear yard given the fact that the side yard variance does not extend to the existing nonconformity and given the small size of the lot and the layout of the house thereon.

12. The requested variance will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

13. The requested variance will produce no effect on the population density or governmental facilities.

14. There is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

15. The interests of justice would be served by allowing the granting of the requested variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 3.3 ft. side yard and 5 ft. rear yard variance sought by Applicant to construct a deck in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 13, 1992.

Chairman

(ZBA DISK#6-bu053085.FD)

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Prelim.

DATE:

4-24-92

May 11, 1992.

7:30 p.m.

APPLICANT:

CATHERINE & HECTOR BONET

15 CHERRY AVE

New Windsor NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED

4-23-92

FOR (BUILDING PERMIT)

FOR 12x14 WOOD DECK

LOCATED AT

15 CHERRY AVE

ZONE

R-4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 14 LOT: 22.1

ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

INSUFFICIENT

REAR YARD SETBACK DISTANCE, Needs

5' more TO meet min 40' REAR AFTER DECK

IS BUILT

Frank Zini
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE R-4 USE 10-G

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD.

5-11-92

REQ'D SIDE YD.

REVISED

12'

REQ'D TOTAL SIDE YD.

8.7'

3.3 4.7'

Man WinBORZ NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-23-92
FOR (BUILDING PERMIT) FOR 12x14 WOOD DECK
LOCATED AT 15 Cherry AVE

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 14 LOT: 22.1
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
REAR YARD SETBACK DISTANCE, Needs
5' more TO meet min 40' REAR AFTER DECK
IS BUILT

Frank Jiri
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>10-G</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD. <u>5-11-92</u>		
REQ'D SIDE YD. <u>REVISED 12'</u>	<u>8.7'</u>	<u>3.3 4.7</u>
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>40'</u>	<u>35'</u>	<u>5'</u>
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE	%	%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

914) 363-4630

Patti

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Catherine and Hector Bonet
Address 15 Cherry Ave New Windsor Phone (576) 5-0560
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder.....
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the side of.....
(N.S.E. or W.)
and.....feet from the intersection of.....
2. Zone or use district in which premises are situated Is property a flood zone? Yes.....No.....
3. Tax Map description of property: Section.....13..... Block.....14..... Lot.....221.....
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair.....
Removal..... Demolition..... Other.....Deck 12 X 14 11X20 Deck

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
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Name of Owner of Premises Catherine and Hector Bonet
Address 15 Cherry Ave New Windsor Phone (575-0560)
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

1. On what street is property located? On the side of
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated Is property a flood zone? Yes No
3. Tax Map description of property: Section 13 Block 14 Lot 221
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building Addition Alteration Repair
Removal Demolition Other deck 12x14 wood deck
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot? no
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor
Number of bedrooms Baths Toilets
Heating Plant: Gas Oil Electric/Hot Air Hot Water DECK
If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost Fee \$50.00
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....4-5.....19..92..

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

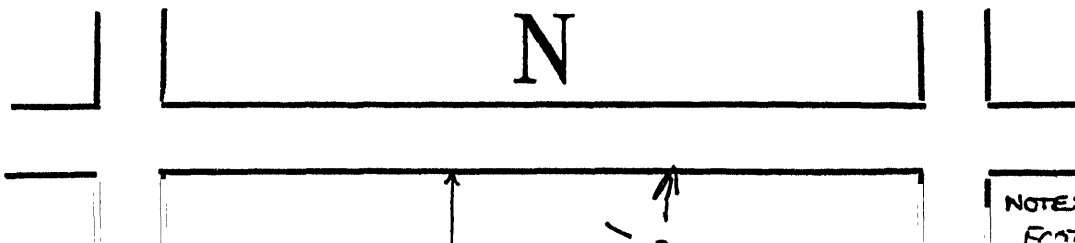
Carlense Bonet
(Signature of Applicant)

15 Cherry Ave New Windsor
(Address of Applicant)

Hector Bonet

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



NOTE:
DIMENSIONS ARE

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

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 Pursuant to New York State Building Code and Town Ordinances

Date... 4-5 19.. 92.

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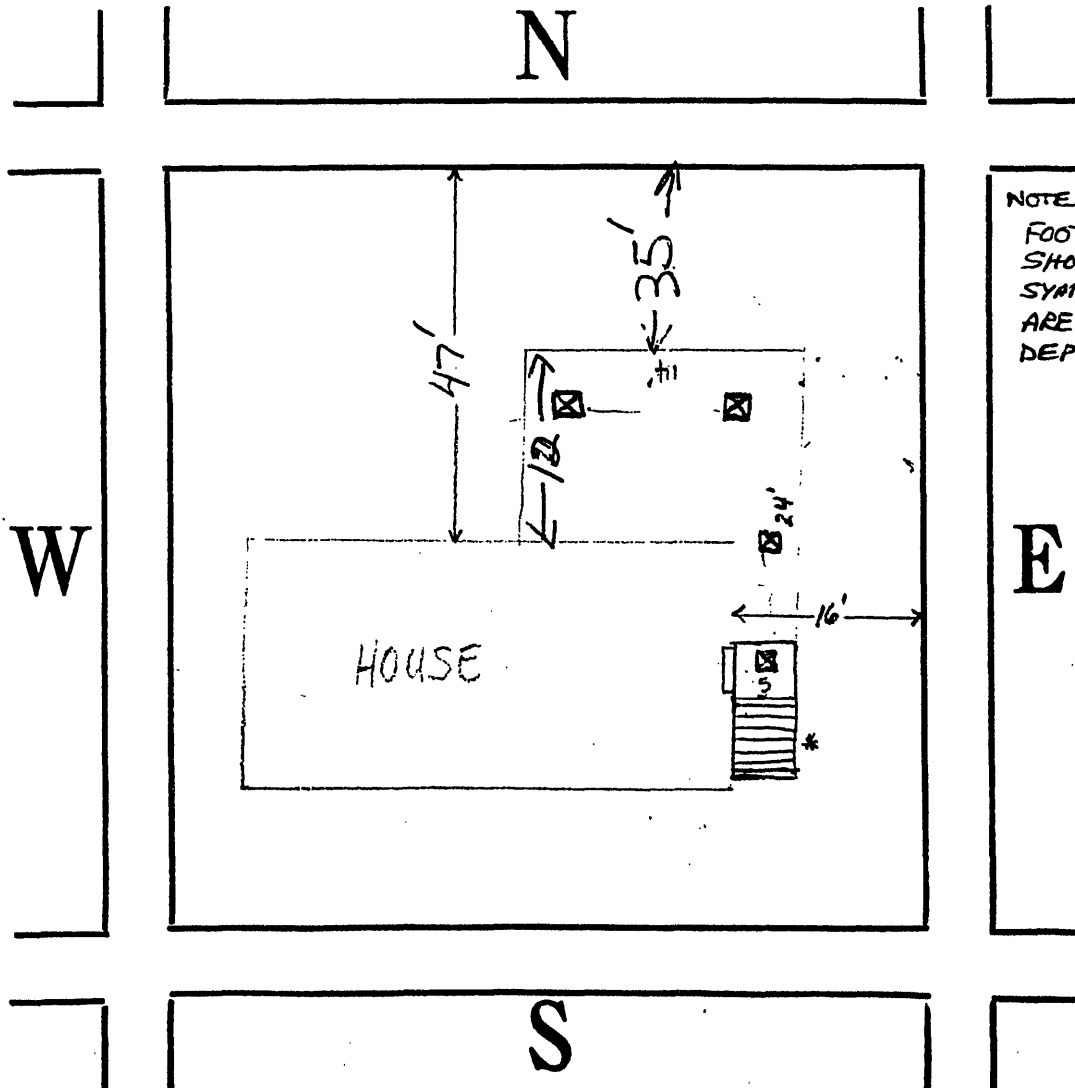
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Carlense Bonet
 (Signature of Applicant)
Hector Bonet

15 Cherry Ave New Windsor
 (Address of Applicant)

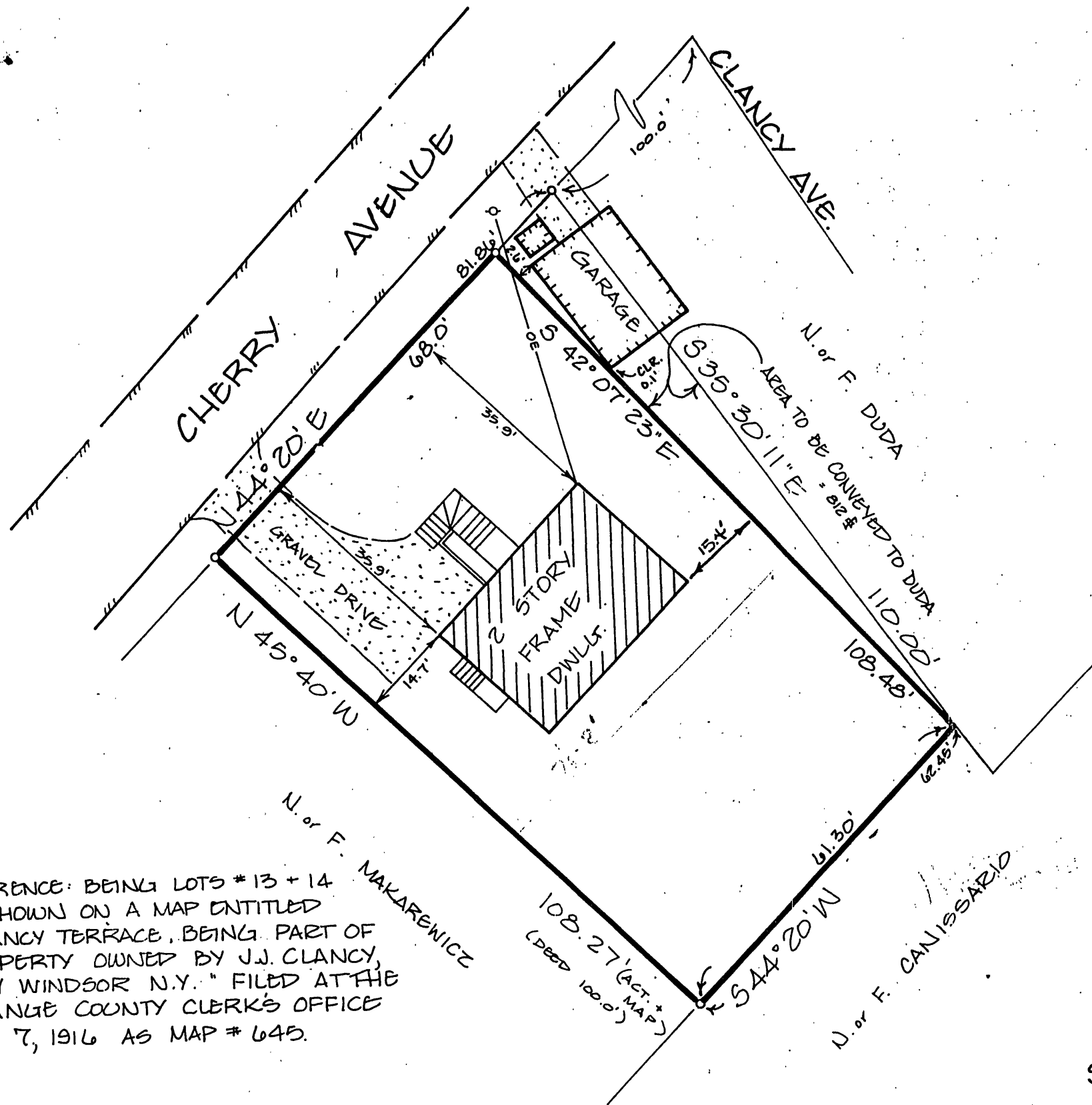
PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
 Applicant must indicate the building line or lines clearly and distinctly on the drawings.



NOTE:
 FOOTINGS ARE
 SHOWN WITH THIS
 SYMBOL [X] AND
 ARE DUG TO A
 DEPTH OF 36".

* PICTURED IN BLUE INK IS EXISTING
 STAIRCASE AND UPPER PLATFORM



REFERENCE: BEING LOTS #13 + 14
AS SHOWN ON A MAP ENTITLED
"CLANCY TERRACE, BEING PART OF
PROPERTY OWNED BY J.J. CLANCY,
NEW WINDSOR N.Y." FILED AT THE
ORANGE COUNTY CLERK'S OFFICE
FEB 7, 1916 AS MAP # 645.

CERTIFIED ONLY TO:

- SMALL TOWN LAND INC.
- TICOR TITLE GUARANTEE

Frank M. Hoens

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING
LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209,
SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE
LAND SURVEYOR SHALL NOT BE VALID.
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL
INSTITUTIONS OR SUBSEQUENT OWNERS.
SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

SURVEY
OF PROPERTY FOR
SMALL TOWN LAND INC.

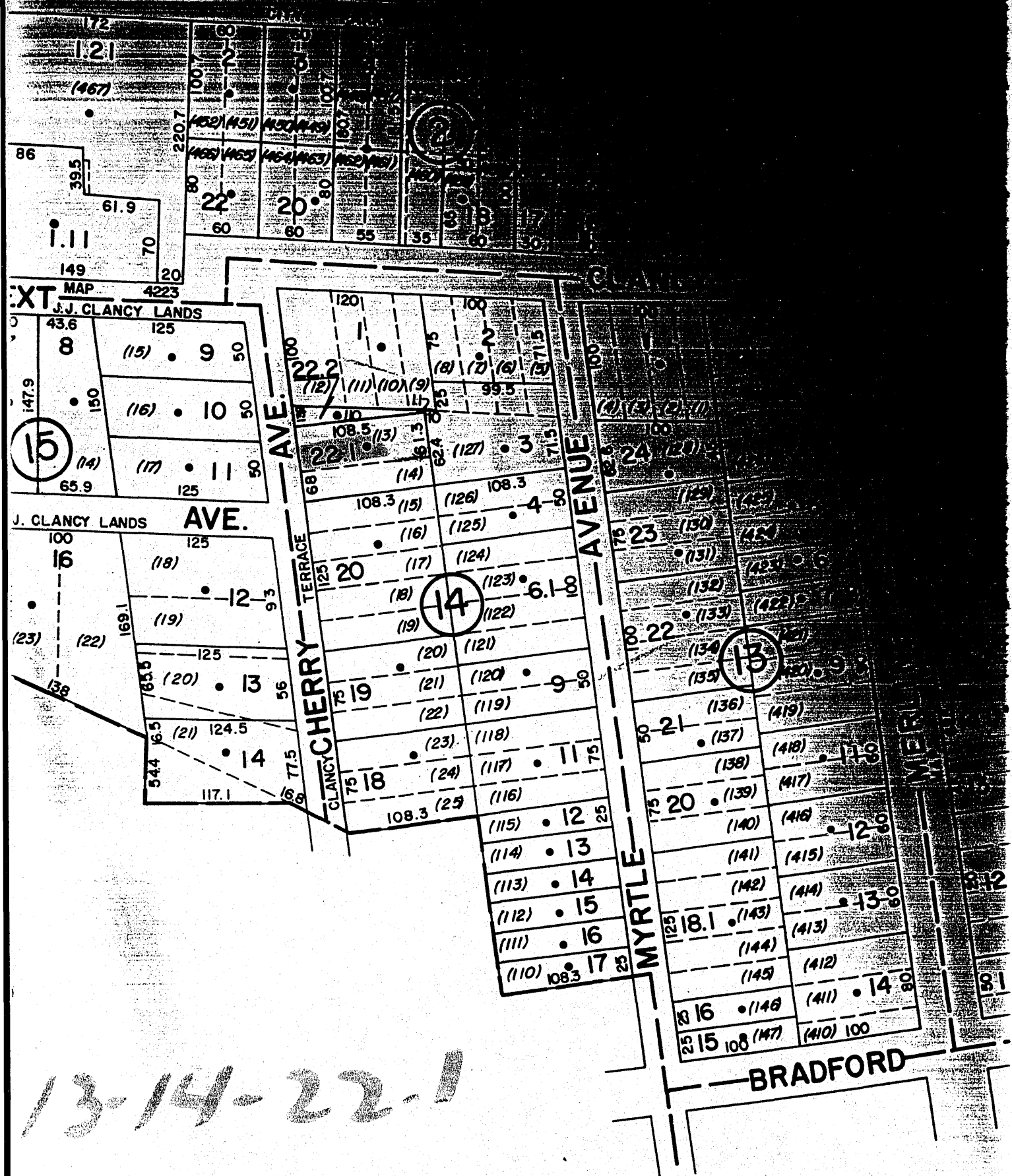
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
SCALE: 1"=20' OCT. 29, 1987 AREA: 7000±

REV. FEB. 2, 1988
REV. JAN. 31, 1989

FRANK M. HOENS
PROFESSIONAL LAND SURVEYOR
GOSHEN, NEW YORK

[illegible]

WALSH



END

4

FILED PL
FILED PL

Date 6/15/92, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Ruth 359 Moores Hill Rd DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
1/8/92	New Windsor Zoning Board	75	00
	Reed - pgs - 5 pgs		
	Fitzgerald - 4 pgs		
	Borden - 5 pgs		
	Androm - 15		
	Donet - 5		
	PA -		
		225	00

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

James B. [Signature]

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk

June 8, 1992

30

BONET, CATHERINE

MR. FENWICK: Request for 3.3 ft. side yard and 5 ft. rear yard variances to construct deck at 15 Cherry Avenue in R-4 zone.

Catherine Bonet came before the board.

MR. FENWICK: Tell us what you plan on doing.

MRS. BONET: We want to finish a wrap-around deck on the existing doorway that's there on the kitchen. It's a second floor of the cape, just for family use.

MR. FENWICK: Did you bring any pictures?

MRS. BONET: Yes, and the other papers you asked for.

MR. LUCIA: Deed and title policy also?

MRS. BONET: Yes.

MR. FENWICK: How old is this house?

MRS. BONET: I believe it was built in '88.

MR. BABCOCK: February of '88.

MRS. BONET: And we moved in December 29 of '89, Cherry Avenue not Lane there's two.

MR. FENWICK: Where is Cherry Avenue.

MR. BABCOCK: It's in Clancyville. Cherry Street is off Blooming Grove Turnpike.

MR. TORLEY: This is the one where we had a garage splitting the property lines?

MR. FENWICK: This is out on the new section by the little league fields.

MR. BABCOCK: It's just in off Walsh Avenue.

June 8, 1992

32

MRS. BONET: Yes.

MR. NUGENT: What are you doing, cutting out a window?

MRS. BONET: That's the back.

MR. NUGENT: The deck is going where?

MRS. BONET: Here.

MR. BABCOCK: Here's the door, they want to bring the deck around so they can go this way out on to the deck, this is the door here.

MR. LUCIA: Using the existing stairs and hallway is that it?

MRS. BONET: Well, the stairs will be taken down and the stairway will be used.

MR. LUCIA: If you were to locate it in the back yard that would require a new entrance way?

MRS. BONET: New entrance and still require a variance.

MR. LUCIA: Would it also I guess it would reduce your window space in the back. How would that impact the rooms that are back there?

MRS. BONET: I couldn't make the way, we couldn't make another entrance anywhere in the back because it's all the baseboard heating which goes straight across the back lines so all of the plumbing and heating would have to be changed.

MR. LUCIA: The present entrance goes into what room?

MRS. BONET: The kitchen.

MR. LUCIA: And the same problem would exist on the opposite side of the house?

June 8, 1992

33

MRS. BONET: Yes, it's 15 feet there too.

MR. FENWICK: Did we get the paper back for the last public hearing, the roster? Let the let record show there's no public here in reference to this. Any other comments from the members of the board?

MR. TANNER: I make a motion we grant the variance.

MR. NUGENT: I'll second it.

ROLL CALL

MR. NUGENT	AYE
MR. TANNER	AYE
MR. TORLEY	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

MR. LUCIA: Do most of your neighbors have decks on their houses?

MRS. BONET: They either have decks or patios that are enclosed or not enclosed gazebos, almost everybody has something.

MR. TORLEY: You might want to remind them to check their distances.

MR. FENWICK: You don't have to do that. I don't know whether you listened while I spoke to one of the other applicants. This is subject to a formal decision which would be put together hopefully by the 22nd, we'll be voting on a formal decision.

MR. NUGENT: Not necessarily because it depends on the availability of the minutes. It really depends. The last application ran very long. A lot of people speaking, that affects how long it takes the minutes sometimes.

MRS. BONET: But on the 23 basically is what it comes down to?

6/8/92 Public Hearing - Andover Dev. Co.

Name:	Address:
Tom Hannon	101 SHAKER CT N.
Jim Duquette	7 SHAKER CT. NEW WINDSOR N.Y.
VINCENT ARCARO	5 - SHAKER CT. NEW WINDSOR
Errol Foschini	13 - Shaker Cr New Windsor NY
FRANK Quinn	342 - BUTTERNUT DR. New Windsor, N.Y.
Nancy Quinn	342 - BUTTERNUT DR. New Windsor, N.Y.
Michael Morfe	350 BUTTERNUT A. New Windsor NY
CARMEN MORFE	350 BUTTERNUT DR. NEW WINDSOR NY
MR & MRS HERLING	348 BUTTERNUT DR. New Windsor NY
MR. & MRS. MICHAEL UBALDO	341 BUTTERNUT DR. New Windsor NY
MR & MRS. RAFAEL VILAFANE	11 SHAKER COURT NEW WINDSOR

Date 6/15/10, 19.....

(7)

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Roth 38a Moores Hill DR.
New Windsor, Ny 12553

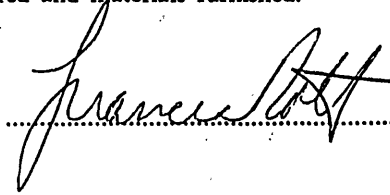
[illegible]

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of

said Town Board held at the office of the

Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

Clerk

May 11, 1992

11

BONET, CATHERINE

MR. FENWICK: Request for five ft. rear yard variance to construct deck at premises located at 15 Cherry Avenue in R-4 zone.

Mrs. Catherine Bonet came before the Board.

MR. FENWICK: Tell us what you want to do.

MRS. BONET: We just want to put a deck on the back of the house big enough to put the furniture and tables on, just to use for the family.

MR. BABCOCK: I think you gentlemen remember this project, Small Town Land Inc. down there, there was a garage with a property line that went right through it. And they moved the property line and they needed variances to do that. I have a copy of the survey, Rich, right there in the front if you see the garage, you'll see the old line that went right through the center of the garage. See the garage on the adjoining property, see the light line that goes through there, and there's a lot of discussion to make a non-conforming lot less non-conforming.

MR. LUCIA: The interesting thing about that is and this application I guess is going to bring it all to a head. The original subdivision map for this area was called Clancy Terrace filed back in 1916 showed a lot which has different dimensions obviously than what you're presented with now and obviously that original lot was pre-existing, non-conforming. We now have a transfer of this triangle on the northeast side of the parcel to the Duda's, is that true, that occurred fairly recently.

MRS. BONET: That had nothing to do with us. That was done before by the person that built the house and done before we even owned the house.

MR. LUCIA: How long would ago was that done?

MRS. BONET: The house was only up since 1989.

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MR. LUCIA: That change made this lot even more non-conforming than it was because it reduced an area apparently. So the question comes up you're now applying for a, is it a rear yard variance.

MRS. BONET: It's not anywhere near this. That's the side of our house.

MR. LUCIA: Just hear me out for a moment though. The lot has apparently been reduced from a size it was on the original Clancy Terrace Subdivision map so I guess the question becomes whether as part of this whole application you want to also apply for variances on the other non-conforming, it's apparently under for minimum lot area, minimum lot width, required front yard, required side yard, you know if we're going to do it should we do the whole thing?

MR. BABCOCK: When we discussed this at the last time the way I remember it that's why I have a copy under the non-conforming lots it would meet most of the criteria that you are talking about if not all with water and sewer 5,000 square feet, 35 foot front yard.

MR. FENWICK: Good side yards.

MR. BABCOCK: It would only need 12 foot side yards, 40 foot rear yard and that's what we based our building permit on.

MR. LUCIA: It did he meet non-conforming?

MR. BABCOCK: Yes.

MR. LUCIA: Okay.

MR. TORLEY: Half your problem just went away.

MR. FENWICK: Tell us about the size of the deck.

MRS. BONET: The deck is just going to be 12 feet going back and 14 feet across to match the one that's already there. It's just extending what's already on

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the side. We're going to go 12 feet back.

MR. FENWICK: You're not any further to the side, your just going straight out the back yard?

MRS. BONET: Yes. There's a small platform for the steps coming down from the kitchen.

MR. LUCIA: Those steps would be in a required side yard.

MR. BABCOCK: Right now, she has 8 feet to the 40 foot required rear yard.

MR. LUCIA: Just referring to the side lot because the porch and steps would be in a what is required side yard at 15, if she's extending that line straight back do we need a side yard variance?

MRS. BONET: The side isn't changing.

MR. LUCIA: I understand.

MR. BABCOCK: I know what you're saying.

MR. LUCIA: It looked from the sketch like she's going directly back from the step line which probably is a required side yard.

MR. FENWICK: What's the side yard on the small lots, 12?

MR. BABCOCK: It's a variable depending on the lot width. Lots with width of 50 and less than 80 which is she's maybe developed with side yards on each side of at least 12 feet.

MR. FENWICK: Each side 12?

MR. BABCOCK: Right but still this deck that she has there is five feet I understand what Dan is saying. Do you have this sketch on the back of the building permit what they're doing is going straight back from the deck so when they come out of the house they can go either

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to the back deck or down the stairs to the front. As it sits, the way the code and I think the entrance porch is 6 foot by 8 foot is exempt from setbacks. Which this porch as you see it on the original survey would be exempt. What Dan is saying now that if we attach that and continue that straight back, make it part of the deck it wouldn't be exempt to. What Dan is saying we need a said yard variance.

MR. NUGENT: As well?

MR. BABCOCK: As well.

MR. LUCIA: Did you understand that?

MRS. BONET: No.

MR. BABCOCK: Basically, this entranceway that you have here is less than 6 foot by 8 foot so it's exempt from the requirements of being so far from a property line. Once you build this deck back like this, now this is part of the setback so now not only you got to be 40 feet here, you have to be 12 feet here and you're only 11.

MR. LUCIA: All it means is that in addition to applying for the rear yard variance of 5 feet, you also must apply for a side yard variance of one foot or maybe you want to measure that a little more accurately, just means you're applying for two variances instead of one but we ought to get everything out of the way in one application.

MR. TORLEY: This guarantees to be totally legal and you won't have any trouble selling the house.

MR. BABCOCK: The farther back the house goes it's getting farther away from the property line, did you see that Dan?

MR. LUCIA: No, I didn't.

MR. BABCOCK: It's minor but it's definitely going away. That deck that's on there now is 5 feet, you're

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sure of that?

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MRS. BONET: The person who did the measurements is a friend of ours who does this.

MR. BABCOCK: From here to here is 5 feet.

MRS. BONET: From what he told me.

MR. LUCIA: You might want to doublecheck the measurements for your own protection because when you come in to the board to apply for a variance the board doesn't do an independent review on the measurements. If it turns out you're off and you go to sell the house and the surveyor says wait a minute you need a foot and a half instead of a foot, you've not advanced your application any so it's very important that those measurements be done exactly and submitted to the board especially if the house isn't parallel to the line.

MR. BABCOCK: On this survey that they drew they show the house at 16 feet, the people that helped them out and it's actually 14 foot 7, by the survey it's 14 foot 7 and whoever drew this said it was 16, so there's a couple foot difference.

MRS. BONET: What do I have to do?

MR. BABCOCK: We need to know how far this is from here to the property line is, either we need to know the size and we can deduct it from the 14'7", and we know you're not getting any farther than the point here.

MR. FENWICK: Which may be the way to go rather than take hearsay, you know, on a surveyor's map that you are 14'7" right now so you just measure out from the house what your deck is.

MRS. BONET: This is 5 feet out then I have to go for a variance for how many feet?

MR. LUCIA: That would put you 9 foot 7 off the property line you need 12 so you did need a variance of 2.3 feet.

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MRS. BONET: Is that all right?

MR. LUCIA: That's all right but the thing is when you build the deck you need to insure that you never get closer to that property line than 9.7. Measuring becomes very critical so I don't know if you want to engage a surveyor to just shoot that side and give you your distances that has to be up to you but it becomes real important.

MRS. BONET: Ask for what I need iw what you're saying.

MR. TORLEY: Give yourself a foot or so to make sure when they build it somebody might drive a nail in differently, we've had that happen.

MR. FENWICK: You do not have to go to a surveyor as far as we're concerned. We want you to give us an accurate drawing all right, an accurate drawing to the best of your ability or whatever. Do you not feel that you can get an accurate measurement, then you would go to a surveyor or somebody that can take care of that if you were to come in here and say I need a variance for two foot or the next meeting that you are on the agenda that I am go going to need a variance on the side of 2 foot 3 inches that's how we'll base it. We have no problem with that if it turns out down the line that you are actually a little bit further than that then you could come into problems, it happens when it comes to time to sell the house somebody else gets it surveyed finds out you're three inches off. So you might want to hedge your bet a little bit, maybe make it 2 foot 6 or something like that.

MRS. BONET: Can I do what was just suggested and apply for 4 feet on the side just to have the extra?

MR. FENWICK: Fine, sure you can apply for anything you want. I wouldn't over do it because you're going to have neighbors and they're going to say you're going to extend out 6 feet if you can say I'm going to--

MRS. BONET: Our neighbors know the plans and they have

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no problem.

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MR. FENWICK: The plans that you present to us will in fact be part of the record and on part of that record, if you say that you want a variance for 3 foot or whatever but I'm extending back with the same line of the porch that's there now, that's the record.

MRS. BONET: What I am confused about if this side is already here I ahve to go for a second variance because I'm extending it back.

MR. FENWICK: You don't have to come to another metting you don't have to pay anymore, we're just going to get everything written down on the application the way it should be. There's more than one line you could have had property coverage, it could have been front yard, side yard whatever. We just want all of this filled in correctly as to what you're referring to so now we know that there's a little bit of a side yard problem so it will be taken care of on this line.

MR. LUCIA: We need to get all your variance requests out of the way in one single application. We're setting it up to do that.

MR. TORLEY: Just trying to make sure that all your ducks are in a row and you won't have any problems.

MR. BABCOCK: I've changed the numbers, side yard variance of 4.7 feet that would allow here a 6 foot deck there. That's if the 4 by 4 railings hang over.

MRS. BARNHART: Get it in writing.

MR. BABCOCK: 4.7 feet.

MR. TORLEY: The lawyers, this may sound a little strange but it has happened people have put up a dwelling and have it off by one inch and it has completely loused up the sale of the house so we want to make sure that you are safe.

MR. LUCIA: As long as it's ultimately built it's

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within the variance request, you're okay.

MRS. BONET: Has to be smaller than what we're allowing?

MR. BABCOCK: You're going to continue from that side of the deck. When you have an existing line and you talk to Frank in my office you can continue that existing line and that would be true in the case if that was a larger deck and met the criteria since that was exempt nobody even cared about it until today, till you went to add to the deck.

MR. FENWICK: Please read what the request for a variance is.

MR. BABCOCK: Okay we have revised notice of the approval, we need required side yard I think they have 12 feet proposed or available, I'm sorry, the side yard requirement is 12 foot, they have 8.7 foot which requires 4.7 foot, side yard variance and also a 5 foot rear yard. That's not right, it's 4.3.

MR. LUCIA: 3.3.

MRS. BONET: 3.3 allows for the 5 foot.

MR. BABCOCK: Allows for 6 foot.

MR. LUCIA: Is that enough of a margin that you feel is adequate for your comfort?

MRS. BONET: Yeah, I don't have a--

MR. LUCIA: The board only reacts to the figures you give us. We can't in any way guarantee that the deck is built that way but as long as you build it within these parameters you should not have a problem.

MR. FENWICK: I'll ask you Dan to explain the proofs.

MR. LUCIA: If the board sets you up for a public hearing, you'll have to come back again and the neighbors will be notified of the application for the

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two variances for side and rear yard. These are both areas variances, you have to establish something called practical difficulty. That's done by your showing significant economic injury from the application of the existing zoning ordinance to your land. Basically, it's a comparison of the cost of the parcel compared to its value as zoned, why it is that you need this variance in order to get or in order to avoid showing significant economic injury why it is maybe all your neighbors have decks, maybe you need a deck to adequately use the house. Why it is that you need a variance to put this sized deck. As part of it, you should show why you can't get by with a smaller variance. Why you can't locate the deck someplace else that either doesn't need a variance at all or could get by with a lesser variance than you are applying for. If you are using this existing stairs and landing that's part of it because you have some money in that, that you don't have to repeat if you put a deck and stairs someplace else in the lot. That about covers it. I'd like to see when you come back a copy of your deed, copy of your title policy or search that presumably your attorney got when you got the property. We'd like to see some photographs of the existing house, stairs and where the deck is going to go. I think on this also we probably would need a county referral as I look at the tax map this is probably less than 500 feet from this property to Walsh Avenue. Is that County road?

MR. BABCOCK: No, Walsh is a town road.

MR. LUCIA: Not a problem, okay. And when you return with the application you also need 2 checks both payable to the Town of New Windsor, one for \$50 for application fee and one for \$250 for deposit against town consultant fees and other town expenses in connection with handling this application. Deposit means we do not know how much those expenses are going to be. If they're less than \$250 you'll get a refund. If they're more you'll get a bill for whatever the excess is.

MRS. BONET: Does it often go more than that?

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MR. LUCIA: It depends on how complicated the application is.

MRS. BONET: Is this considered complicated?

MR. LUCIA: No, not normally but you never know until your neighbors show up again.

MR. FENWICK: A favor to you might be to contact your neighbors.

MRS. BONET: They all know.

MR. FENWICK: And also along that same line, that if they're in favor of it, 30 of them don't come in here and go I'm in favor of it because everything that happens at the public hearing you're going to pay for, in paperwork and fees, part of this \$250 that we're talking about right now so if you have people that are in favor and you have one person that can stand up and say --

MRS. BONET: Someone has to come in even--

MR. FENWICK: No not at all. We've seen it where people think they're doing you a favor and they say we really like that and the steno is just running your bill up.

MR. TANNER: The meter is running.

MR. FENWICK: If you can contact them all and they're in favor they do not have to come back, they've to be notified which is another fee that you'll be hit with also.

MRS. BONET: Which is another fee?

MR. FENWICK: Part of the list.

MRS. BARNHART: It's all explained in here.

MR. LUCIA: Basically have to buy a list from the

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assessor who your neighbors are, you have to pay for publication, all things that are required in order for this board to conduct a public hearing.

MRS. BONET: Okay so right now what I have to do is pictures, and follow that.

MR. LUCIA: Pictures, deed, copy of the title policy all back to the public hearing.

MRS. BONET: When is that?

MR. LUCIA: Whenever you get this application in you then will be set up for a public hearing.

MRS. BONET: So come back here?

MR. LUCIA: Bring it back to Pat.

MRS. BARNHART: Just read what it is on the procedure.

MR. TORLEY: It's a government form that's actually understandable.

MR. LUCIA: If you have a question call Pat.

MR. NUGENT: I'd like to make a motion that we set this up for a public.

MR. TANNER: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. TANNER	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

STATEMENT OF CLOSING

PREMISES Cherry Avenue, New Windsor, NY

CLOSED 12/28/89 at 8:30am. at office of O'Connell and Riley

TITLE NO. T-98-89-00353 ADJUSTMENTS COMPUTED AS OF 12/29/89

THE FOLLOWING PERSONS WERE PRESENT: Hector Bonet, Catherine Bonet

Andrew L. Cohen Esq., David Hannigan, Esq.,

ADJUSTMENTS

	CREDIT TO BUYER		CREDIT TO SELLER	
PURCHASE PRICE	\$		\$124,500.	00
PAID ON ACCOUNT OF PURCHASE PRICE	\$12,450.	00		
1st MORTGAGE BALANCE				
Interest at % from to				
2nd MORTGAGE BALANCE				
Interest at % from to				
PURCHASE MONEY MORTGAGE				
INSURANCE APPORTIONED (SEE SCHEDULE)				
TAXES School \$408.33/ 4mo's x 2mo's			204	00
SC&T \$231.70 = .635 pd			WAIVED	
WATER				
FUEL				
RENTS (SEE SCHEDULE)				
OTHER ADJUSTMENTS				
TOTAL CREDIT TO SELLER			\$ 124,704.	00
TOTAL CREDIT TO BUYER	\$12,450.	00		
BALANCE DUE SELLER			\$ 112,254.	00

DISBURSEMENTS BY PURCHASER			PURCHASE PRICE PAID AS FOLLOWS		
Mortgage Tax	\$	722 00	By Cash	\$	
Recording Mortgage			By Ch. & Bank	\$98,170	12
Recording Deed				\$ 204	00

Andrew L. Cohen Esq., David Hannigan, Esq.,

ADJUSTMENTS

	CREDIT TO BUYER		CREDIT TO SELLER	
PURCHASE PRICE	\$		\$124,500.	00
PAID ON ACCOUNT OF PURCHASE PRICE	\$12,450.	00		
1st MORTGAGE BALANCE				
Interest at % from to				
2nd MORTGAGE BALANCE				
Interest at % from to				
PURCHASE MONEY MORTGAGE				
INSURANCE APPORTIONED (SEE SCHEDULE)				
TAXES School \$408.33/ 4mo's x 2mo's			204	00
SC&T \$231.70= .635 pd			WAIVED	
WATER				
FUEL				
RENTS (SEE SCHEDULE)				
OTHER ADJUSTMENTS				
TOTAL CREDIT TO SELLER			\$ 124,704.	00
TOTAL CREDIT TO BUYER	\$12,450.	00		
BALANCE DUE SELLER			\$ 112,254.	00

DISBURSEMENTS BY PURCHASER			PURCHASE PRICE PAID AS FOLLOWS		
Mortgage Tax	\$ 722	00	By Cash	\$	
Recording Mortgage			By Check Bank	\$28,100	00
Recording Deed				\$ 204	00
Title Company Fee	928	00	bank check	\$13,880	00
Survey	(300)	00			
Drawing Bond and Mlge.					
Revenue Stamps on Bond (Corp.)			DISBURSEMENTS BY SELLER		
Street report	20	00	Revenue Stamps on Deed	\$	
violations report	(10)	00			
Legal fee A.L.C. - balance	250	00			
Bank legal fee	430	00			
2mo ECT escrow @52.78/mo	105	56			
6 mo School escrow@113.90/mo	683	40			
3 mo hazard @ 20.33(escrow)	60	99			
pp'd int 28.31/day	84	93			
tax set up	65	00			

Pls. publish immediately. Send bill to Applicant at below address

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 11

Request of Catherine & Hector Bonet

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of deck w/ insufficient
side & rear yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Cols. F & G.
for property situated as follows:

15 Cherry Ave., New Windsor, N.Y.
Known & designated as tax map
Section 13 - Blk. 14 Lot 22.1.

SAID HEARING will take place on the 8th day of
June, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Fenwick,
Chairman

By: Patricia A. Baumhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

92-11

Date: 5-4-92

I. ✓ Applicant Information:

- (a) Mr. & Mrs. Bonet 15 Cherry Ave New Windsor, 565-0560
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R4 15 Cherry Ave New Windsor NY, 12553 13-14-22
(Zone) (Address) (S B L) (Lot size) 68x108.48'
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 12/29/89
- (e) Has property been subdivided previously? _____
- (f) Has property been subject of variance previously? yes
If so, when? 1987?
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of use/built regulations Regs., Col. G/F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>12</u>	<u>8.7</u>	<u>3.3</u>
Reqd. Rear Yd. <u>40</u>	<u>35</u>	<u>5.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

The area is the only one available with an existing door to the kitchen. We are extending existing entrance

N/A

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs. *N/A*

(c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. *N/A* Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

VIII. ☒ Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The work is being done legally and according to code. The deck is well designed and will add to the beauty of the home and neighborhood.

IX. ☒ Attachments required:

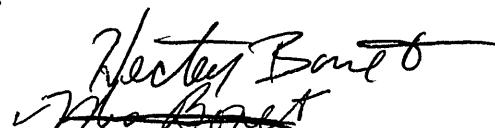
- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A.* Copy(ies) of sign(s) with dimensions and location.
- ☒ Check in the amount of \$ *50.00* ~~250.00~~ payable to TOWN OF NEW WINDSOR.
- ☐ Photographs of existing premises which show all present

X. Affidavit.

Date: 5/26/92

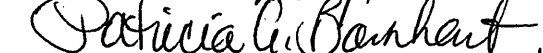
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

26th day of May, 1992.



XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 018A4904434
Qualified in Orange County
Commission Expires August 31, 1993.

(a) Public Hearing date: _____

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Hector & Catherine Bonet,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-11.
-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 28, 1992, I compared the 77 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart

Patricia A. Barnhart

Sworn to before me this
29th day of May, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 18, 1993

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

87
Some Dupes

May 19, 1992

Mr. Hector Bonet
15 Cherry Ave.
New Windsor, NY 12553

Re: Variance List 500 ft./ 13-14-22.1

Dear Mr. Bonet:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00. Please remit balance of \$80.00 to the Town Clerk's Office.

Sincerely,

L. Cook

LESLIE COOK
Sole Assessor

LC/cad
Attachment
cc: Pat Barnhart

Burgoa, Juan V. X
492 Liberty Street
Newburgh, NY 12550

Padavano Jr., Lawrence J. X
Box 440, RD #2 Quaker Street
Wallkill, NY 12589

Hulse, Walter J.
97 Clancy Avenue X
New Windsor, NY 12553

Sherwood, Gregory & Dawn X
115 Clancy Ave.
New Windsor, NY 12553

Maskey, John
86 Walsh Ave. X
New Windsor, NY 12553

Sunderlin, David L. & Lorraine A.
83 Clancy Ave.
New Windsor, NY 12553 X

Colandrea, Michael & Elena Marie
5 Sylvia Street X
Newburgh, NY 12550

Monaco, Carmen
292 Prospect Hill Road
Wallkill, NY 12589

Faricellia, Mary G. X
c/o Carmen Monaco
292 Prospect Hill Road
Wallkill, NY 12589

Rodriguez, Iris & Catalino X
& Rodriguez, Esther
128 Walsh Road
New Windsor, NY 12553

3D Realty Inc. X
c/o Da Mario, Carmine & Louise
61 Clancy Avenue
New Windsor, NY 12553

Jacopino, Edward A. & Ellen X
140 Walsh Road
New Windsor, NY 12553

Wein, Susan & Edward J. X
154 Walsh Rd.
New Windsor, NY 12553

Petrillo Properties Inc. X
150 Walsh Ave.
New Windsor, NY 12553

Crudele, John & Anna T. X
12 Merline Ave.
New Windsor, NY 12553

Sledzianowski, Emil X
59 Clancy Ave.
New Windsor, NY 12553

Three D Realty Inc. X
Oakridge Dr.
Newburgh, NY 12550

Faricellia, John & Michael X
650 Blooming Grove Tpke
New Windsor, NY 12553

Petrillo, Ralph J. & Robert J.
& Gary Dreyer
150 Walsh Rd.
New Windsor, NY 12553 *duplicate*

Thompson, Edward L. Jr. X
22 Lawrence Ave.
New Windsor, NY 12553

Messina, Anthony X
15 Merline Ave.
New Windsor, NY 12553

Rhodes, Charles V. Jr. & Ann E. X
19 Merline Ave.
New Windsor, NY 12553

The Disabled American Veterans X
c/o The Thomas D. Peterkin Post Chapter 152
30 Lawrence Ave.
New Windsor, NY 12553

Masarachia, Joseph & Mary X
P.O. Box 2421
Newburgh, NY 12550

De Toro, Thomas W. & Rose M. X
45 Merline Ave.
New Windsor, NY 12553

Corrieri, Frank X
41 Merline Ave.
New Windsor, NY 12553

Kerr, Hazelton M. & Anna V. X
37 Merline Ave.
New Windsor, NY 12553

Sears, James W. & Rose T. X
35 Merline Ave.
New Windsor, NY 12553

Boast, Ryan & Stacey X
33 Merline Ave.
New Windsor, NY 12553

Cimorelli, Gus & Anna S. X
MD 23 Merline Ave.
New Windsor, NY 12553

Garzione, Nicholas A. & Jean
27 Merline Ave.
New Windsor, NY 12553 X

Tolnai, Katalin X
25 Merline Ave.
New Windsor, NY 12553

Crudele, Alfred T. X
64 Clancy Ave.
New Windsor, NY 12553

Masloski, Louis & Helen X
22 Merline Ave.
New Windsor, NY 12553

Davis, Charles H. & Fanny X
30 Merline Ave.
New Windsor, NY 12553

Hulse, Byron & Mary X
34 Merline Ave.
New Windsor, NY 12553

Smith, Everett & Mary X
34 1/2 Merline Ave.
New Windsor, NY 12553

Gillispie, Gerald & X
Livingstone, Joan
36 Merline Avenue
New Windsor, NY 12553

Calvanico, Dominick A. X
42 Merline Ave.
New Windsor, NY 12553

Manning, George & Shiela M. X
46 Merline Ave.
New Windsor, NY 12553

Stuit, Jerry O.
48 Merline Ave.
New Windsor, NY 12553

Maher, Dennis P. & Joan L.
54 Merline Ave.
New Windsor, NY 12553

Hotaling, Josephine
14 Goodman Ave.
New Windsor, NY 12553

Petrizzo, Anthony J.
41 Myrtle Ave.
New Windsor, NY 12553

Menga, Bartholew & Alice
39 Myrtle Ave.
New Windsor, NY 12553

Marshall, Barry F. & Mary Ann
31 Myrtle Ave.
New Windsor, NY 12553

Choudhry, Azam
P.O. Box 4636
New Windsor, NY 12553

Babcock, John T. Jr. & McAteer, Colleen
23 Myrtle Ave.
New Windsor, NY 12553

Kaczmarek, John
13 Myrtle Ave.
New Windsor, NY 12553

Duda, John L. & Janet
80 Clancy Ave.
New Windsor, NY 12553

Bucci, Richard & Brenda
2 Myrtle Ave.
New Windsor, NY 12553

Curry, Rosella & Rogers, Terri L.
12 Myrtle Ave.
New Windsor, NY 12553

Reardon, Joseph A. & Ethel K.
14 Myrtle Ave.
New Windsor, NY 12553

Cangelosi, Gasper & Elizabeth
20 Myrtle Ave.
New Windsor, NY 12553

Carlson, Carl E. & Gwendolyne E.
26 Myrtle Ave.
New Windsor, NY 12553

Makarewicz, Edward X
31 Cherry Ave.
New Windsor, NY 12553

Flagler, Richard P. & Jane
Plains Rd. Box 116
Wallkill, NY 12589

Cardamone, Frank & Anna
27 Cherry Ave.
New Windsor, NY 12553

Makarewicz, Stanley R. & Dorothea Janet
17 Cherry Ave.
New Windsor, NY 12553

Small Town Land Inc.
c/o Mr. & Mrs. John Duda
80 Clancy Ave.
New Windsor, NY 12553

/duplicate

First National Bank of Highland
P.O. Box 10090
Newburgh, NY 12550

Wilsons & Conklins Modern Vending Inc.
5 Koran Ave.
New Windsor, NY 12553

Brock, Larence H. & Roberta J.
106 Clancy Ave.
New Windsor, NY 12553

Pettine, Michael J. Jr. & Wilma
102 Clancy Ave.
New Windsor, NY 12553

Heller, Kenneth H. & Patricia
100 Clancy Ave.
New Windsor, NY 12553

Nieves, William & Catalina
96 Clancy Ave.
New Windsor, NY 12553

Spignardo, John N. & Dora A.
82 Clancy Ave.
New Windsor, NY 12553

Smith, Albina J. Bugiada
2 Cherry Ave.
New Windsor, NY 12553

Cavicchio, Leonard & Evelyn
4 Cherry Ave.
New Windsor, NY 12553

Jones, Lawrence & Loretta E. X
22 Cherry Ave.
New Windsor, NY 12553

Dell, Donald J. & Lucille J. X
28 Cherry Ave.
New Windsor, NY 12553

Cannon, Kevin T. & Lisa M. X
32 Cherry Ave.
New Windsor, NY 12553

Radulski, Janet M. X
23 Koran Ave.
New Windsor, NY 12553

Cruz, Willibaldo & Hortencia & Narcisco X
40 Benkard Ave.
Newburgh, NY 12550

Town of New Windsor X
555 Union Ave.
New Windsor, NY 12553

Horan, Dianna L.
77 Walsh Rd.
New Windsor, NY 12553

Glynn, Arthur G. & Edward J. Lowe X
68 Walsh Rd.
New Windsor, NY 12553

Air Products & Chemicals Inc. X
P.O. Box 2608
Lehigh Valley, PA 18001-2608

Thompson, Ellen W.
135 Walsh Ave.
New Windsor, NY 12553

F.T. Realty Holding Corp. X
c/o Fred E. Thompson
135 Walsh Ave.
New Windsor, NY 12553

Miron, Stephen E. & Kenneth X
c/o Federal Block Corp.
129 Walsh Ave.
New Windsor, NY 12553

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

Small Town Land, Inc.

m. TO E.
Hector Bonet and Catherine Bonet

SECTION 13 BLOCK 14 LOT 22

RECORD AND RETURN TO:
(Name and Address)

Andrew L. Cohen, Esq.
43 North Madison Avenue
Spring Valley, NY 10977

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 050046 DATE 12-29-89 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove ☐
CH22 Chester ☐
CO24 Cornwall ☐
CR26 Crawford ☐
DP28 Deerpark ☐
GO30 Goshen ☐
GR32 Greenville ☐
HA34 Hamptonburgh ☐
HI36 Highlands ☐
MK38 Minisink ☐
ME40 Monroe ☐
MY42 Montgomery ☐
MH44 Mount Hope ☐
NT46 Newburgh (T) ☐
NW48 New Windsor ☒
TU50 Tuxedo ☐
WL52 Walkill ☐
WK54 Warwick ☐
WA56 Wawayanda ☐
WO58 Woodbury ☐
MN09 Middletown ☐
NC11 Newburgh ☐
PJ13 Port Jervis ☐
9999 Hold ☐

SERIAL NO.

Mortgage Amount \$

Exempt Yes ☐ No ☐

3-6 Cooking Units Yes ☐ No ☐

Received Tax on above Mortgage

Basic \$

MTA \$

Spec. Add. \$

TOTAL \$

MARION S. MURPHY
Orange County Clerk

by:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on JAN 3 1990

at 9:20 O'Clock A. M.

in Liber/Film 3236 Deeds

at page 122 and examined.

Marion S. Murphy
County Clerk

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$

TRANSFER TAX \$ 498⁰⁰

ED Fund 5⁰⁰
RECORD. FEE \$ 14⁰⁰

REPORT FORMS \$ 5⁰⁰

CERT. COPIES \$

Tecor Title

RECEIVED

3236 498⁰⁰

REAL ESTATE

JAN 3 1990

TRANSFER TAX
ORANGE COUNTY

This Indenture, made the 29th day of December nineteen hundred and 89

Between

Small Town Land, Inc.

518 Balmoral Circle, New Windsor, New York 12550

party of the first part, and

Hector^N Bonet and Catherine^F Bonet, husband - wife

15B Fletcher Road, Monsey, New York 10952

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Schedule "A" Attached

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **Together** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **To Have And To Hold** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.
And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the

Between

Small Town Land, Inc.

518 Balmoral Circle, New Windsor, New York 12550

party of the first part, and

Hector Bonet and Catherine Bonet, husband - wife

15B Fletcher Road, Monsey, New York 10952

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Schedule "A" Attached

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises; To Have And To Hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Small Town Land Inc.

BY: Keith Williams, President
Keith Williams, President

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that executed the same.

STATE OF NEW YORK, COUNTY OF *Rockland* ss:

On the 29 day of December 1989 , before me
personally came Keith Williams
to me known, who, being by me duly sworn, did depose and
say that he resides at No. 518 Balmoral Circle
New Windsor, NY
that he is the President
of Small Town Land, Inc.

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by
order of the board of directors of said corporation, and
that he signed his name thereto by like order.

(Signature)
DAVID HANNIGAN
Notary Public, State of New York
Qualified in ~~Rockland~~ County
479 6658
Commission Expires ~~March~~ 30, 1991
Mark

Bargain and Sale Deed

With Covenant Against Grantor's Acts

Title No. T 98-89-00353

TO

Standard Form of New York
Board of Title Underwriters
Distributed by
TITLE USA Insurance Corporation
of New York

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

; that he knows
to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw

execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

CITY OR TOWN

COUNTY

Recorded At Request of

TITLE USA Insurance Corporation
of New York

RETURN BY MAIL TO:

Andrew L. Cohen, Esq.
43 North Madison Ave
Spring Valley, NY
Zip No. 10977

STATE OF NEW YORK, COUNTY OF Rattland ss:

On the 29 day of December 1989, before me personally came Keith Williams to me known, who, being by me duly sworn, did depose and say that he resides at No. 518 Balmoral Circle New Windsor, NY that he is the President of Small Town Land, Inc.

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

DAVID HANNIGAN
Notary Public, State of New York
Qualified in ~~Rattland~~ County
479 6658
Commission Expires March 30, 1991
Handwritten signature

Bargain and Sale Deed
With Covenant Against Grantor's Acts

Title No. T 98-89-00353

TO

Standard Form of New York
Board of Title Underwriters
Distributed by
TITLE USA Insurance Corporation
of New York

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

; that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

CITY OR TOWN

COUNTY

Recorded At Request of

TITLE USA Insurance Corporation
of New York

RETURN BY MAIL TO:

Andrew L. Cohen, Esq.
43 North Madison Ave
Spring Valley, NY
Zip No. 10977

RESERVE THIS SPACE FOR
USE OF RECORDING OFFICE

PER 3236 PAGE 125

This Indenture, made the 29th day of December nineteen hundred and 89

Between

Small Town Land, Inc.

518 Balmoral Circle, New Windsor, New York 12550

party of the first part, and

Hector^N Bonet and Catherine^F Bonet, husband & wife

15B Fletcher Road, Monsey, New York 10952

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Schedule "A" Attached

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises; To Have And To Hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement and before using any part of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

518 Balmoral Circle, New Windsor, New York 12550

party of the first part, and

Hector Bonet and Catherine Bonet, husband and wife

15B Fletcher Road, Monsey, New York 10952

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Schedule "A" Attached

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises; To Have And To Hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Small Town Land Inc.

BY: Keith Williams, President
Keith Williams, President

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that executed the same.

STATE OF NEW YORK, COUNTY OF *Rockland* ss:

On the 29th day of December 1989 , before me
personally came Keith Williams
to me known, who, being by me duly sworn, did depose and
say that he resides at No. 518 Balmoral Circle
New Windsor, NY
that he is the President
of Small Town Land, Inc.
the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by
order of the board of directors of said corporation, and
that he signed his name thereto by like order.

(Signature)
DAVID HENLIGAN
Notary Public, State of New York
Qualified in *Rockland* County
470 6353
Commission Expires *March 30, 1991*
Mad

Bargain and Sale Deed
With Covenant Against Grantor's Acts

Title No. T 98-89-00353

TO

STATE OF NEW YORK, COUNTY OF ss:
On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged
that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. ; that he knows
to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

CITY OR TOWN

COUNTY

Recorded At Request of

TITLE USA Insurance Corporation
of New York

RETURN BY MAIL TO:

Andrew L. Cohen, Esq.
413 North Madison Ave
Spring Valley, NY
Zip No. *10977*

Standard Form of New York
Board of Title Underwriters
Distributed by
TITLE USA Insurance Corporation
of New York

STATE OF NEW YORK, COUNTY OF Rockland ss:

On the 29 day of December 1989, before me personally came Keith Williams to me known, who, being by me duly sworn, did depose and say that he resides at No. 518 Balmoral Circle New Windsor, NY that he is the President of Small Town Land, Inc., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

DAVID HENNINGAN
Notary Public, State of New York
Qualified in Rockland County
470 6553
Commission Expires March 30, 1991
Mark

Bargain and Sale Deed
With Covenant Against Grantor's Acts

Title No. T 98-89-00353

TO

Standard Form of New York
Board of Title Underwriters
Distributed by

TITLE USA Insurance Corporation
of New York

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ; that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

CITY OR TOWN

COUNTY

Recorded At Request of

TITLE USA Insurance Corporation
of New York

RETURN BY MAIL TO:

Andrew L. Cohen, Esq.
413 North Madison Ave
Spring Valley, NY
Zip No. 10977

RESERVE THIS SPACE FOR
USE OF RECORDING OFFICE

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of Cherry Avenue, said point being the most northerly corner of lands now or formerly Makarewicz, and running thence along the easterly line of Cherry Avenue, North $44^{\circ} 20' 00''$ East a distance of 68.0 feet to a point; thence,

1. along lands now or formerly Duda, South $42^{\circ} 07' 23''$ East 108.48 feet to a point; thence
2. along lands now or formerly Canissario, South $44^{\circ} 20' 00''$ West 61.30 feet to a point; thence
3. along lands now or formerly of said Makarewicz, North $45^{\circ} 40' 00''$ West 108.27 feet to the point and place of beginning.

Being the same premises conveyed to grantor herein by deed from John L. Duda and Janet Duda dated 12/29/87 and recorded 1/5/88 in Liber 2865 page 299.